

Morton (Thos. G.) al

Some Medico-Legal Experiences in Railway Cases.

Read before the Section of Neurology and Medical Jurisprudence, at the
Forty-fourth Annual Meeting of the American Medical
Association.

✓
THOMAS G. MORTON, M.D.

Surgeon to the Pennsylvania Hospital and to the Orthopaedic Hospital
of Philadelphia; Professor of Orthopaedic Surgery in the Phila-
delphia Polyclinic; Fellow of the American Surgical
Association and of the Academy of Surgery of
Philadelphia, etc., etc.

presented by the author

REPRINTED FROM
THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION,
OCTOBER 7, 1893.



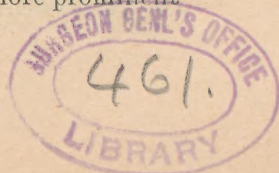
CHICAGO:
PUBLISHED AT THE OFFICE OF THE ASSOCIATION
1893.

SOME MEDICO-LEGAL EXPERIENCES IN RAILWAY CASES.

Railroad injuries, from a surgical point of view, possess many features of interest; not the least of which is the medico-legal question concerning the gravity or reality of alleged injuries for which pecuniary compensation is demanded.

At a time when he least expects it, in these days of rapid transit and frequent travel, any individual may be obliged to witness, participate in, or be the victim of, a railroad accident attended by loss of life, or by various degrees of traumatism—maiming, contusion or concussion, and every surgeon is liable to be called upon to render assistance to those injured or claiming to have been injured by such an occurrence. Experience, however, has taught us to exercise special caution and to express a very guarded opinion as to the prognosis or gravity of a traumatism occurring under such circumstances. Suits for damages are so common that the surgeon or physician almost instinctively recognizes these patients and governs himself in accordance with this fact, knowing that the attempt may be made to use him as a means of extorting large sums of money; indeed, he may even unconsciously become an innocent party to a conspiracy to defraud the railroad company defendant.

Under such circumstances it would seem proper that we should consider this question, which, although largely medico-legal, is still more one of diagnosis calling for a high degree of skill to separate the genuine from the fraudulent claimants. I have prepared a brief resumé of several recent cases which illustrate the tendency above referred to; but wish first to present, briefly, a few of the more prominent



characters which distinguish this class of cases from ordinary surgical injuries. The most evident feature in these patients is a psychological one, arising from the prospect of receiving damages from a railway corporation by simple and easy means.

The fact that courts and juries are popularly believed to sympathize with the plaintiff in these trials, the corporation defendant being popularly presumed to be guilty until proved to be innocent, has an undoubted effect in stimulating such litigation.

The number of persons in the United States annually claiming to have been more or less seriously injured upon railways is very great; many of these cases are beyond all doubt fictitious and fraudulent. Upon good authority it has been stated that English railways have paid, within a period of five years, upwards of eleven millions of dollars damages for spinal injuries alone. I believe that I am correct in stating that more or less exaggeration is present in nearly every case of railway injury. In the attempt to impress the court and excite the sympathy of the jury, very frequently the person claiming to be injured will go close to the border of imposition, even when he justly claims compensation for actual injuries. On the other hand, the willingness of railroad companies to settle such cases outside of court and to make prompt compensation for actual injuries, pain or loss of time, is so well known that designing persons attempt to take advantage of it, and cases of fraud and even actual conspiracy to defraud are not infrequent.

Prompt settlement for injuries can generally be made on more favorable and satisfactory terms immediately after the injury has been sustained, and in this way a molehill can often be prevented from growing into a mountain; because so long as the claim is unsettled, ill-health continues. In court, the possibility of permanent disability is always made a prominent feature, and every occurrence in the subsequent medical history of the claimant is

apt to be traced back to the accident, as an effect to its cause.

Medical expert testimony is commonly conflicting, and the court and jury share the confusion and are embarrassed in arriving at a just verdict. Among the disturbing elements may be mentioned the fertility of the plaintiff's counsel in suggesting the dreadful possibilities of the future and his skill in painting them in lurid colors. Thus the surgical witness is often questioned concerning the possibility of cancer resulting from a contusion, or of displacement of the uterus, the development of tumors or of pelvic inflammation; these being the alleged effects perhaps, of a trivial injury whose external signs are transitory and insignificant.

Lateral spinal curvature has even been claimed to be caused in this way, which has been subsequently found to be due to congenital asymmetry of the lower limbs, as will be observed in two of the illustrative cases appended to this paper. Indeed, it would seem, in the opinions of some, that any of the ills which flesh is heir to may arise from railway injuries. The readily recognized maladies and deformities resulting from railway injuries are settled with less difficulty than cases of hysteria or neurasthenia. In these cases the symptoms, which are often purely subjective, commonly appear soon after the accident, and there is seldom any improvement while litigation continues; the injured person claims to have been in good health until the shock incident to the accident, and subsequently he is so impaired in health as to be able to attend to but little if any work of any kind. Continued nervous shock, insomnia, impaired vision and hearing, disordered alimentary and generative functions, hyperesthesia or anesthesia, general or spinal pain are prominent among the symptoms, which are indeed legion. It is not questioned that such traumatic neuroses may result from a railway shock, and without objective signs of injury; yet the frequency of these cases occurring,

without collateral evidence and the usual subsequent histories, naturally presents the possibility of exaggeration, if not absolute fraud. At the same time such cases, whether real or assumed, are very serious ones for the railway companies because of the difficulty experienced in obtaining the exact condition of the injured person, and also from the gloomy view frequently taken by the medical expert for the plaintiff, who, when pressed for an opinion as to the probability of ultimate recovery, declares complete restoration be a matter of months or years, or that the symptoms may be permanent. Generally nothing further is heard of these cases by the medical man after damages have been adjusted or a verdict rendered.

Much stress is usually placed upon those cases of so-called "railway concussion," or "railway spine," which may present no symptom immediately after the accident; but which, later on, develop the gravest conditions ending either in paralysis or death.

It is popularly supposed that "concussion of the spine" received in a railway collision differs from the same injury received in other ways. My colleague, Dr. Hunt, of the Pennsylvania Hospital, (in which institution we have been associated for nearly thirty years), has justly said that it is absurd to give a peculiar pathological character to so-called "railway spine." That the injury occurs there is no doubt; "that the medulla is seriously affected in the vast majority of cases there is very great doubt;" yet the effort is constantly made to impress a jury that certain peculiar pathological results follow railway injuries and which can only be caused by such accidents.

"Other structures of the spine besides the medulla are much more subjected to injury than it is, and their consequences often mislead both patient and doctor, especially the former. The ligaments and muscles are exposed to contusions, strains, ruptures and twists which are wrongfully attributed to concussion."

"From these injuries, and from so-called concussions, the patient recovers rapidly or slowly according to their extent. If damages are looked for from a corporation, he is in a state of what may be called 'expectant pecuniosity,' and shows no amendment until the question is settled. Otherwise, he gets well, as those do who are injured but have no such expectations. There is a striking want of confirmation by postmortem examination of the terrible effects which are said to follow concussion of the spine. In fact, the records of such examinations are so few, notwithstanding the immense number of those who have claimed to have the injury, that the skeptics are somewhat justified in attributing the few cases which have shown great pathological changes in the cord and in its membranes to the coincidence of disease, as myelitis or syphilis, or to much graver injuries than concussion."*

I may say, after looking back upon a very large number of cases of railway injuries, real, exaggerated or feigned, upon which I have been called to give an opinion, that I am not conscious that any injustice has been done in a single instance. On the contrary, where the claimant was judged to be a malingerer, or where fraud was attempted, the subsequent history of the case has been such as to strengthen and confirm the opinion, and on several occasions, the attempt at fraud has been confessed or the conspiracy revealed.

At the present day the simulation of disease can rarely be successfully carried on, provided the medical attendant makes use of modern means of diagnosis and is familiar with the symptomatology of the feigned disease. Instruments of precision are utilized to attain accuracy of observation, which very promptly enables us to recognize such cases, so that fraud is detected with more certainty and its char-

* Article by Wm. Hunt, M.D., on "Concussion of Brain and Spinal Cord," *System of Practical Medicine by American Authors*, Philadelphia, 1886; Vol. v, page 914.

acter made manifest to court and jury. Impostors, therefore, are less likely to enter suit when they know that it will be contested by the railroad company and the actual state of the case brought out in the course of the testimony.

In many cases, settlements are declined and consequently a defense must be made by the railway corporations, or else the treasuries might at once be opened unrestrictedly to all applicants. In view of the possibility of a settlement being refused, it is important for the railways to secure, not only an examination of the injured person soon after the accident, but also an examination before the trial; such evidence may reduce a verdict, or even obtain one for the defendant. Juries, however, usually sympathize with the plaintiff and can hardly be said to carefully weigh the evidence when their sympathies are aroused by the plea of mental and physical suffering or by the sight of bodily injury or deformity which is always made as prominent as possible. A common method, it is said, of arriving at the proper amount of damages, is for each jurymen to name his idea of the proper sum to be awarded, and these sums to be added together and divided by twelve to get the result. In some instances it would seem that the last step (of dividing by twelve) had been omitted.

Occasionally the gallantry of a jury is not appealed to in vain: in a recent case, a husband was killed upon a track where it was shown he had no right to be. Although it was agreed that the widow had no legal claim, a sentimental appeal was made simply for the widow to the jury, who gave her a verdict of \$1,200. The foreman of the jury was subsequently asked how it was that such a small sum was given, when, if the widow had any claim at all, the verdict should have been at least \$5,000. He replied that it was concluded that the widow could get along at least two years on \$600 a year, and then, as she was good looking it was probable that she would be married, and have some one to look after her.

Finally, and a curious commentary upon human nature, or honesty—but it also affords an additional argument for prompt settlement—it is commonly noticed that no matter how long the plaintiff has been a helpless invalid while the claim was pending, as soon as the settlement is made and the money paid over, he improves in health to a marked and sometimes miraculous degree.

Out of the many cases I have selected the following, which are sufficient to illustrate the points which I wish especially to submit for discussion and which may be taken as representative of the entire class.

Several of the cases reported occurred in the service of the Pennsylvania Railroad Company, and in these the examinations were made conjointly and the opinions formulated with the assistance of my associate, Prof. William S. Forbes of Philadelphia:

Case 1.—Conspiracy to recover damages from the Philadelphia Traction Railway Company for injuries self-inflicted.

Henry S., a young man, was standing on the platform of a Philadelphia traction car and was thrown off while rounding a curve at 5:30 in the afternoon of May 16, 1890. The lad was picked up, found to be considerably injured, and was taken to the Jefferson College Hospital, where it was found that he had sustained a fracture of the left humerus.

The reports of the conductor and passengers showed that the lad was told to take a proper position, and to be on his guard at the rounding of the curve; and that there was nothing to cause him to be thrown off, as the car was about stopping. This led to suspicion and an investigation, and the following was discovered:

Harris P. and Passa P., his son, aged 16 years, and Henry S., his son-in-law, met and adopted a plan to swindle the railway corporation and concluded that one must be injured by an accident due to jerking of the car. After some argument the lot fell to the son-in-law, Henry S., to fall off the car on the date mentioned. Henry S. got on the car, stood on the back platform, and as it rounded the curve (the place agreed upon) he placed his back towards the sidewalk and deliberately stepping backwards, rolled off. It was also discovered that the plaintiff had secured witnesses to observe the accident; the jealousy and cupidity of these persons divulged these facts on account of the large sum of money the plaintiff expected to receive.

It was also found that Passa P., the son of the originator

of the conspiracy, was present at the scene of the accident, awaiting its occurrence, and reached the hospital before the injured man arrived. This led to the arrest, trial, conviction and imprisonment of the three conspirators.

It was subsequently learned that Harris P., the father, had been convicted of similar crimes in Russia, and that the three had swindled other corporations in Philadelphia.

Case 2.—Conspiracy to defraud the Traction Railway Company.

The¹ trial of the action in this case was brought by Nicola Flore against the Philadelphia Traction Railway Company to recover damages for personal injuries received, which injuries, it was alleged, were of a permanent character; a lateral curvature of the spine having resulted, and necessitated the wearing of a plaster jacket by Flore.

The defense was that the claim was fraudulent and a conspiracy to defraud the company.

Dr. Wm. Pepper, Dr. Thomas G. Morton and Dr. Horatio C. Wood were called by the defence, and taking Flore from the court-room into an ante-room, they made a physical examination of his condition, first cutting from him the plaster jacket which he wore. At the end of the examination they came back into the court-room and testified that they found a congenital shortening of one leg, a scar from a wound on the back near the left shoulder, and that with these exceptions there was nothing the matter with the man at all.

They further testified that while making the examination they subjected him to certain tests, as to the location of pain, etc., and found from his answers that he was feigning. As to the plaster cast jacket, they said that, while in some instances such an appliance might be of use, there was in this case not the slightest particle of necessity for the man's wearing it.

On behalf of Flore, a counter-conspiracy on the part of the Traction Company was alleged. The counsel for the plaintiff in arguing the case for Flore to the jury, urged them to give his client \$10,000 damages; while the counsel for the defendant, on behalf of the Traction Company, suggested that the jury should give Flore \$50,000, the amount of damages originally laid, or, believing him to be a fraud, should give him nothing.

The court, after defining the law, said: "It is charged here that this case has been manufactured; that the injury has been greatly exaggerated; that the plaintiff, with the assistance of others, has attempted to deceive you and to pretend that that which was really but a trifling hurt, was in reality a permanent injury, affecting him for life. If you

¹ Philadelphia Ledger, November 23, 1892.

believe that, of course your verdict ought to be for the defendant, because a man who will grossly and deliberately violate his oath and swear falsely to you intentionally, ought to be disbelieved entirely, and he is getting off very well if he goes out of court with the verdict against him. It is a case for your common sense; apply it to it."

The jury, after a deliberation of about ten minutes, rendered a verdict for the Traction Company.

Case 3.—Trifling or simulated injury greatly exaggerated. Erichsen's railway spine claimed to have resulted.

Arbitration unanimously awarded a verdict for the defendant; appeal and trial before jury, who with exactly the same evidence gave a verdict for the plaintiff; an appeal to the Supreme Court and a new trial; amicable settlement effected.

Mr. A., a resident of Pennsylvania, stated that about 10 A.M., in May, 1891, while seated in a car looking out of a window, when his body was partly turned, a sudden coupling of the cars jerked him backwards, twisting or spraining his spine. He immediately rose in his place and exclaimed, "My God, my back!" At this time he said that he had a pain, as though something pierced him, in the small of the back, that his speech stopped to a certain extent, and became very jerky. He continued his journey when the cars started in a couple of minutes or less, and on arriving at his home at noon he changed his clothing, ate his dinner, and in the afternoon went to work as usual. While at work planing, his back hurt him so much that he had to quit work several times. He worked several days before going to a physician, and on doing so received a strengthening plaster which he applied to his back, and continued to work off and on, until February or March of the next year. In October previous, he had applied at a general hospital for rheumatic pains.

Finally a claim against the railroad was brought for a large amount of money for permanent injuries. Mr. A. testified at the trial that he had suffered pain from the moment of the accident; that he had not the proper strength in his arms; that sleep was interrupted; there were tender spots on his back, etc. The medical testimony offered by Mr. A. showed that his walk was impaired; he had terrible pains in his head; he was nervous and irritable; he had a swelling over the small of the back on one side; the spine was rigid as though it were a piece of solid steel; there were terribly contracted muscles; a peculiarity of speech; a jerking of his voice when attempting to speak; that when he attempts to lift his arms above a right angle with his body, he can not speak at all; that for many weeks he did not recognize any one; that he had been insane; unable to lie in bed, only on the floor; had lost control of bowels and bladder, etc. In answer to a question, his medical attend-

ant stated that he was suffering not only from hysteria, but from Erichsen's disease, or railway spine, and that he had been seriously and permanently injured by the sudden twisting of his back.

An examination of the plaintiff, with Dr. Charles K. Mills, discovered that, although a neurotic, yet he was unquestionably a malingerer of the most pronounced type. He had previously been treated for lumbago, and he had lost much time from his trade as jobbing carpenter on this account. There was no evidence of spinal lesion, or that so-called concussion of the spine had occurred. There were some symptoms which might charitably be assigned to hysteria; but his jerky speech was purely simulation, and he attempted to deceive while testing his hearing. He was of neurotic ancestry, and some of his relatives had been insane. His general standing in his community was not high. The settlement of the case was left by agreement to arbitrators who, after a very protracted inquiry, taking every particle of evidence obtainable, gave a verdict for the railroad company. An appeal was taken from that result and the case was tried in court, and the jury, with exactly the same evidence, gave the man a verdict for \$19,800. The company appealed and was granted a new trial, before which time came round, however, a settlement was made in full for \$4,500.

Case 4.—Successful suit for personal injuries of alleged permanent character; plaintiff's wife subsequently confessed to a conspiracy, and the entire case a fraud.

W. H. was a passenger in a car which was thrown off the track and partly turned over by the spreading of a rail; immediately after the accident he was able to walk about, was at no time confined to his bed, and on the second day afterwards, he drove in a buggy some ten miles to see a physician. Suit was afterwards brought for his injuries, and five months after the accident, an examination being allowed, the following report was made:

W. H. stated that he had, at the time of the accident, received a wound of the thumb and also an incised wound of the ear; he also stated that a part of the seat of the car was pressed in upon his right groin. His physician, who was present at our examination, stated that there had been a partial fracture of one rib; also that the patient had suffered from hemorrhages from the lungs, with some purulent discharge at such times; that there was incontinence of urine, which necessitated the frequent use of the catheter; that the testicles had been injured; that there was abdominal dropsy, as well as general dropsy of the extremities; and that he was suffering from injuries which not only had seriously compromised life, but that he was also permanently injured.

Upon examination, H. was found to be 46 years of age, a very large man, well developed, weighed perhaps 225 pounds; he was sitting downstairs when we arrived, readily got up out of his chair, and walked without assistance or effort to the second story for our examination.

The incised wound of the ear and the thumb had healed with a slight scar; the joint of the thumb had evidently been opened, for complete ankylosis had resulted. There was no other evidence of injury about him, and on our asking his physician to point out the site of the partial fracture of the rib he was unable to locate the injury, and when he indicated as about the place, the latter was not where any rib existed; in other words, it was to the sternum our attention was called.

There was no effusion into the abdominal cavity, nor was there any swelling or dropsical condition of the limbs. There was no evidence of any lung or heart trouble. In regard to the incontinence of urine, the only appearance which would sustain this was the presence of a wet spot upon the patient's shirt, but the usual indications found in incontinence were absent; in other words, there was no urinous odor about the parts, no soaked appearance of the penis and scrotum, no irritation about these parts incident to the constant presence of urine—the mouth of the urethra was normally dry. With forced inspiration and expiration the testicles were elevated and depressed normally; they were of normal size and properly located, nor was there any evidence of their ever having been injured; no adhesions such as would be present had there been any local inflammation as a result of injury; the scrotum was normal. The patient was apparently very sensitive to the least examination of the testicles, and complained of intense pain with the slightest examination by finger pressure. When the chest and abdomen (which presented no variations from the normal state) were examined by percussion the results showed no evidence of variation from health.

Conclusions: The statement that the patient has from time to time more or less severe hemorrhages from the lungs and stomach is not borne out by examination, for it would be impossible for him to have such a condition without more or less disease which could be ascertained. If he has any such loss of blood, it certainly is from the post nasal region and quite innocent in character, and the appearance of the discharge he is said to have would favor this view, because it is clotted and the associated discharge said to occur is probably nasal and throat mucous. In other words, there is no evidence of any pulmonary or cardiac disease, which must be present to warrant any other view.

There may have been some bruising of the groin; but, if

such an injury did take place there is no evidence of it at this time. The internal abdominal organs are normal, and the fact that the patient and his physician have been in error as regards the dropsy of the abdominal cavity and the limbs shows conclusively that a great mistake in diagnosis has been made.

There are no symptoms present which indicate any permanent injury of any organ or part—in time he will unquestionably be restored to his usual health, except the ankylosis of the thumb, and some trivial scars; and further the examination warrants the belief that the case is an unmitigated fraud.

The jury rendered a verdict for \$16,000, and the court promptly decided to grant a new trial, or a reduction of the verdict to \$10,000; the latter was accepted, and paid by the company.

A year or so subsequent to the settlement, the wife of the plaintiff voluntarily came to her husband's counsel, who communicated her statement to the counsel for the Pennsylvania railroad company, that her husband received only trifling injuries in the accident; that he worked for a week afterwards at his usual vocation—a butcher, peddling through the streets—and that he then conceived the idea of making a claim against the company; that he had none of the troubles which he swore to having on the trial, and that he did not dare to call her as a witness because she would have sworn that his testimony was untrue. She further stated that he was not impotent, having had sexual relations with her four times during the week the trial was going on, and was also discovered with the housemaid; that he had entire control of bladder and rectum; that the blood he said was expectorated, was brought to him from the butcher; that soon after receiving the payment from the company, he went to Scotland and had not been seen since.

Case 5.—Lateral spinal curvature claimed to have resulted from injury; but was demonstrated to be due to asymmetry of the lower limbs.

Mrs. L., aged 36, claimed that while sitting reading in a car she received a sudden jar induced by the coupling of a car to the rear of the train, by which she was thrown forward, striking her forehead against the frame of the window. No other passenger was injured. When she was examined by a surgeon soon after, no evidence of injury was noticed except a slight wound on the forehead. After reaching her home, some hundred miles further on, she was attended by her family physician, who stated that he found her suffering with sick stomach and severe pain extending down the spine to the sacrum. These symptoms continued; the spinal pain subsequently became paroxysmal, and later on a lateral curvature was discovered; the patient, however,

was up and about, and gained in flesh. She claimed that either walking or working aggravated the spinal pain; but she considered herself, on account of the spinal curvature, a confirmed invalid.

An examination was made in 1889 for the railroad company by the late Prof. Henry H. Smith, who reported that:

"The patient was found in bed, where she says she has remained since the accident; objective symptoms—a slight scar is apparent on the forehead; limbs are full and round, and her weight probably 170 pounds; pulse variable, showing nervous excitement; skin has a healthy color; temperature and reflexes normal; no nerve lesion. Lateral curvature of long standing, possibly has been unknown to patient, physician or friends, but has no connection with the accident;" and the opinion was given that the case was one of hysteria with some neurasthenia.

Subsequently the claim for damages of \$20,000 was supported by affidavits from various parties, among whom were female friends who testified that they had seen her dressed and undressed prior to the accident and that they had never noticed any spinal curvature and that after the accident she walked one-sided, and badly. One affidavit from her pastor stated that she was "a woman of fine character and a member of his church in good standing, and the mother of five small children." A medical man testified in regard to the plaintiff "that he had never heard or seen any spinal trouble, any curvature of the spine; her walk and carriage was always straight, erect, and without trouble, nor did she have any curvature of the spine until the railroad accident."

Some months after this, Dr. Smith sent in another report with his reasons in opposition to the claim that the lateral spinal curvature was the result of the accident, which condition was the principal injury for which damages were claimed. This report acknowledged that a lateral curvature existed but that it certainly developed early in life; that there was no instance on record of such a curvature having developed in a few weeks by an mechanical violence, whether applied through collision of cars or other force; and the creation of lateral curvature by a sudden force applied to a fully ossified vertebral column is a physical impossibility; numerous surgical authorities were quoted in support of this view. But the presence of the curvature was not satisfactorily accounted for, and suit was pressed.

Dr. Smith died in March, 1890. As the trial was imminent, another examination was requested and allowed. The patient was found to be in a fair condition of health; but the main source of complaint was the curvature of the spine, which it was alleged caused pressure upon the spinal nerves and a general weakness of the extremities, and generally of all the functions.

Mrs. L. was after much persuasion induced to permit a thorough examination of her spine; her back from her head to her heels was exposed. As she stood with her back towards the window, a lateral curvature was at once observed; but at the same time the line of the nates was found oblique, and the gluteo-femoral fold of right side was much lower than on the left side, showing at once that asymmetry of the lower extremities existed, which fully accounted for the curve. The right lower extremity was raised by placing books under the heel so as to equalize the limbs and the right was found to be one and one-quarter inches shorter than the left. With this correction of the asymmetry, the curvature vanished, and not a trace of the deformity could be found.

The plaintiff's medical attendants were then convinced that the curvature was a condition of early life, and had no relation to the accident; yet nervous shock, lost time and wound of forehead were deemed sufficient to claim damages and suit for \$15,000 was pressed.

Just before the trial, a settlement for \$2,500 was effected. The plaintiff, who came walking into the room on crutches and markedly lame to receive a check and sign a release, immediately after this, got up, walked out without the crutches and without any lameness; shortly after this she was married and up to last accounts was in good health.

Case 6.—Action against the Philadelphia Traction Railway Company for \$10,000 damages for personal injuries.

On August 26, 1889, at about eight o'clock in the evening, Mrs. M., a married woman, was a passenger as far as the depot in Philadelphia. After safely alighting from the car, she fell on the wooden floor, some five feet away; the conductor assisted her to rise, but she claimed she was unable to walk. A grocery-man near at hand had her taken home in his wagon.

The woman was attended by a physician, who sent word to the company that she had broken several ribs, seriously injured her arms and legs, and as a result of the fall had aborted, and that the fetus was preserved in alcohol.

The medical examiner sent by the company to make a report stated that he saw injuries upon the arms and legs, that she was plastered and banded in the usual manner for fractured ribs, and also stated that as the doctor was a reputable physician, he accepted his statement that the ribs were broken.

Subsequently the husband of the woman, and a friend, went to the office of the company and endeavored to secure a settlement for the injuries sustained by Mrs. M., and for expenses incurred.

The company declined to consider any proposition, and suit was brought. The severe injuries which it was claimed

the woman had received attracted the attention of the legal counsel of the railroad, who, suspecting fraud, directed an investigation, which developed the following remarkable state of affairs:

The woman, Mrs. M., was intimate with the physician; that she had not sustained any injuries whatever, and was not pregnant at the time of her fall in the depot; that the alleged injuries on her arms and legs were specific ulcers; she had been under treatment for constitutional disease and for ulceration at one of the Philadelphia dispensaries some time prior to the accident. That the fetus was obtained by the doctor from a girl of loose morals who lived in the house adjoining the plaintiff; that the doctor had produced an abortion on her when she was about four months pregnant; that another physician stated that he was called upon to stop the girl from bleeding to death after the criminal operation; that this girl was intended to be a witness in the suit for damages to prove the accident, and to state that she was a passenger on the car at the time. That the husband and his friend tried to make arrangements to purchase other witnesses to testify to seeing the accident; that the two women, Mrs. M. and the girl, picked up two men on the street, with whom they had oysters and liquor, and these men were asked to become witnesses, and were promised money for the same.

It was also discovered that Mrs. M. was on the floor playing with puppy dogs immediately after the accident, showing that serious injury of the limbs and broken ribs were most improbable.

Upon this report, the parties were all arrested and tried before Judge D. Newlin Fell in the Court of Quarter Sessions, and after two full days' trial the defendants were all convicted, and were sentenced to fifteen months' imprisonment.

Case 7.—Injury due to negligence of the claimant, followed by hysteria and simulated loss of power. After accepting compensation, confessed to having wrongfully taken the money.

Miss B. stepped from the platform of a car while the latter was in motion, and in getting off faced the rear of the train, and had no recollection of stepping off, but found herself sitting on the ground bewildered. The conductor came to her and said, "Are you hurt? Can you walk? You should not have stepped off backward." Miss B., however, walked to the office of a medical man in the neighborhood, where she remained an hour and a half, was then taken to her home, and was confined to her room for some six weeks. She became insomniac and lost considerable weight. Some weeks after the accident she had a hemorrhage, apparently from the lungs; eight weeks after the injury was walking about, went on a short journey, and after

this went about as usual. Damages to a large amount were claimed.

On examination, Miss B., who was thirty-eight (38) years of age, not usually emotional, but nervous and spare frame, complained that she was unable even to do any light work, and that her health had been broken up. Careful inquiry failed to detect any malady or any result of the accident; but she continually referred to compensation, and the effort was obviously made to make out the case as serious as possible.

Miss B. may have been somewhat contused and shocked, and subsequently became unnerved, hysterical and prostrated. That great exaggeration of her symptoms existed, was demonstrated when she was asked to lift one foot and then the other upon a chair; this she appeared unable to do, indeed affected not to have the power to accomplish the act. Since it had been shown previously that there was no loss of muscular power, the effort to deceive was very apparent.

There was no evidence of permanent injury; her nervousness was aggravated by too much sympathy by her friends of the church, who constantly condoled with her.

Soon after this the case was settled for one thousand dollars (\$1,000).

Some months later a lady called upon me, and seemed surprised that I could not recognize her; she then said, "Do you not remember Miss B.?" and then remarked, "I have felt as if I must see you and say that I ought never to have taken one penny from the railroad company; it was not right."

These cases are not detailed with any idea that the presentation of the facts will make any difference in future trials of railway cases, or that verdicts will in any wise be different; yet it is well, perhaps, to place the histories of such cases before the profession, so that we may be guarded in our examinations, especially of persons who claim to have been damaged in railway accidents, whom we, from our observation, are led to believe may possibly be attempting deception.

